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**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2008-1155-LII-E TCEQ ID: RN104846183 CASE NO.: 36252**  
**RESPONDENT NAME: JARROD L. MEYER DBA JARROD'S LAWN AND LANDSCAPING**

<b>ORDER TYPE:</b>		
<input type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input checked="" type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input checked="" type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

**SITE WHERE VIOLATION(S) OCCURRED:** 5902 Stoneleigh Drive, Tyler, Smith County

**TYPE OF OPERATION:** Landscape irrigation system installation

**SMALL BUSINESS:** ☒ Yes ☐ No

**OTHER SIGNIFICANT MATTERS:** One complaint was received, alleging that the Respondent advertised sprinkler system installation and repair in the yellow pages and did not display an irrigator license number in the advertisement. There is no record of additional pending enforcement actions regarding this Respondent, however, a new complaint was received on March 16, 2009, alleging that the Respondent distributed flyers advertising sprinkler system installation and repair and the flyer does not display an irrigator license number.

**INTERESTED PARTIES:** One complaint was received, however, the complainant has not expressed a desire to protest this action or speak at agenda. No one other than the ED and the Respondent expressed an interest in this matter.

**COMMENTS RECEIVED:** The *Texas Register* comment period expired on April 20, 2009. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney:** Mr. Tommy Tucker Henson II, Litigation Division, MC 175, (512) 239-3400 .  
Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019

**TCEQ Enforcement Coordinator:** Ms. Lauren Smitherman, Water Enforcement Section, MC 169, (512) 239-5223

**TCEQ Regional Contact:** Mr. Noel Luper, Tyler Regional Office, MC R-5, (903) 535-5174

**Respondent:** Mr. Jarrod L. Meyer, Owner, Jarrod L. Meyer dba Jarrod's Lawn and Landscaping, P.O. Box 6972,  
Tyler, Texas 75711

**Respondent's Attorney:** Not represented by counsel on this enforcement matter.

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b></p> <p><input checked="" type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date of Complaint Relating to this Case:</b> April 30, 2008</p> <p><b>Date of Investigation Relating to this Case:</b> May 28, 2008</p> <p><b>Date of NOE Relating to this Case:</b> June 30, 2008</p> <p><b>Background Facts:</b> The EDPRP was filed December 3, 2008 and mailed to the Respondent via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card," the Respondent received notice of the EDPRP on December 8, 2008. The Respondent failed to answer the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.</p> <p><b>Current Compliance Status:</b> The Respondent has not obtained an irrigator license.</p> <p><b>LII:</b> Failed to prevent the advertisement or representation of oneself to the public as a holder of a license or registration without possession of a current license or registration [30 TEX. ADMIN. CODE §§ 30.5(b) and 344.4(a)].</p>	<p><b>Total Assessed:</b> \$300</p> <p><b>Total Deferred:</b> \$0  <input type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay  <input type="checkbox"/> SEP Conditional Offset</p> <p><b>Total Due to General Revenue:</b> \$300</p> <p>This is a Default Order. The Respondent has not actually paid any of the assessed penalty but will be required to do so under the terms of this Order.</p> <p><b>Site Compliance History Classification:</b> N/A</p> <p><b>Person Compliance History Classification:</b> N/A</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Technical Requirements:</b></p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> <li>1. Immediately, cease advertising irrigation system services or representing to the public as a holder of a license until licensed.</li> <li>2. Within 15 days, submit written, notarized certification demonstrating compliance with the above Ordering Provision.</li> </ol>



Policy Revision 2 (September 2002)

## Penalty Calculation Worksheet (PCW)

PCW Revision June 12, 2008

<b>DATES</b>	<b>Assigned</b>	7-Jul-2008	<b>Screening</b>	22-Jul-2008	<b>EPA Due</b>	
	<b>PCW</b>	5-Nov-2008				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Jarrod L. Meyer dba Jarrod's Lawn and Landscaping
<b>Reg. Ent. Ref. No.</b>	RN104846183
<b>Facility/Site Region</b>	5-Tyler
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	36252	<b>No. of Violations</b>	1
<b>Docket No.</b>	2008-1155-LII-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Irrigators	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Lauren Smitherman
		<b>EC's Team</b>	Enforcement Team 1
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$2,500

### Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** \$250

#### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** 20.0% Enhancement **Subtotals 2, 3, & 7** \$50

**Notes** An enhancement is recommended due to one agreed enforcement order containing denial language.

**Culpability** No 0.0% Enhancement **Subtotal 4** \$0

**Notes** The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5** \$0

**Economic Benefit** 0.0% Enhancement\* **Subtotal 6** \$0

Total EB Amounts \$7  
Approx. Cost of Compliance \$200

\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** \$300

**OTHER FACTORS AS JUSTICE MAY REQUIRE** 0.0% **Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

**Final Penalty Amount** \$300

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** \$300

**DEFERRAL** 0.0% Reduction **Adjustment** \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**

Deferral not offered for non-expedited settlement.

**PAYABLE PENALTY** \$300

Screening Date 22-Jul-2008

Docket No. 2008-1155-LII-E

PCW

Respondent Jarrod L. Meyer dba Jarrod's Lawn and Landscaping

Policy Revision 2 (September 2002)

Case ID No. 36252

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN104846183

Media [Statute] Irrigators

Enf. Coordinator Lauren Smitherman

### Compliance History Worksheet

#### >> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 20%

#### >> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

#### >> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

#### >> Compliance History Summary

Compliance  
History  
Notes

An enhancement is recommended due to one agreed enforcement order containing denial language.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 20%

<b>Screening Date</b> 22-Jul-2008		<b>Docket No.</b> 2008-1155-LII-E		<b>PCW</b>	
<b>Respondent</b> Jarrod L. Meyer dba Jarrod's Lawn and Landscaping		<small>Policy Revision 2 (September 2002)</small>			
<b>Case ID No.</b> 36252		<small>PCW Revision June 12, 2008</small>			
<b>Reg. Ent. Reference No.</b> RN104846183					
<b>Media [Statute]</b> Irrigators					
<b>Enf. Coordinator</b> Lauren Smitherman					
<b>Violation Number</b>		<input type="text" value="1"/>			
<b>Rule Cite(s)</b>		<input type="text" value="30 Tex. Admin. Code §§ 30.5(b) and 344.4(a)"/>			
<b>Violation Description</b>		Failed to prevent the advertisement or representation of oneself to the public as a holder of a license or registration without possession of a current license or registration, as documented in an investigation conducted on May 28, 2008. Specifically, the Respondent was advertising "irrigation services" without holding a valid landscape irrigator license.			
<b>Base Penalty</b>					<input type="text" value="\$2,500"/>

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>	<b>Harm</b>				<b>Percent</b>
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	
	<b>Actual</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	<b>Potential</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>

  
**>> Programmatic Matrix**

<b>Falsification</b>				<b>Percent</b>
<b>Major</b>	<b>Moderate</b>	<b>Minor</b>		
<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>		
	<b>Percent</b>	<input type="text" value="10%"/>		

  
**Matrix Notes**

100% of the rule requirement was not met.

**Adjustment:**

**Violation Events**

<b>Number of Violation Events</b>	<input type="text" value="1"/>	<b>Number of violation days</b>	<input type="text" value="55"/>
-----------------------------------	--------------------------------	---------------------------------	---------------------------------

<small>mark only one with an x</small>	<b>daily</b>	<input type="text"/>
	<b>monthly</b>	<input type="text"/>
	<b>quarterly</b>	<input type="text"/>
	<b>semiannual</b>	<input type="text"/>
	<b>annual</b>	<input type="text"/>
	<b>single event</b>	<input checked="" type="text" value="x"/>

One single event is recommended.

**Violation Base Penalty**

**Good Faith Efforts to Comply**

<b>0.0% Reduction</b>		<b>\$0</b>
<b>Before NOV</b>	<b>NOV to EDPRP/Settlement Offer</b>	
<b>Extraordinary</b>	<input type="text"/>	
<b>Ordinary</b>	<input type="text"/>	
<b>N/A</b>	<input checked="" type="text" value="x"/> (mark with x)	
<b>Notes</b>		
The Respondent does not meet the good faith criteria for this violation.		

**Violation Subtotal**

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b> <input type="text" value="\$7"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$300"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$300"/>	

## Economic Benefit Worksheet

**Respondent** Jarrod L. Meyer dba Jarrod's Lawn and Landscaping

**Case ID No.** 36252

**Reg. Ent. Reference No.** RN104846183

**Media** Irrigators

**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							
<b>Delayed Costs</b>							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$200	28-May-2008	30-Nov-2008	0.51	\$0	\$7	\$7
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated costs to remove the listing from the yellow pages. The date required is the date of the investigation. The final date is the date of expected compliance.

<b>Avoided Costs</b>							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$200

**TOTAL**

\$7

# Compliance History

Customer/Respondent/Owner-Operator: CN602967150 MEYER, JARROD L. Classification: AVERAGE Rating:  
Regulated Entity: RN104846183 JARROD'S LAWN AND LANDSCAPING Classification: AVERAGE Site Rating:  
ID Number(s):  
Location: 5902 STONELEIGH DR, TYLER, SMITH CO, TEXAS  
TCEQ Region: REGION 05 - TYLER  
Date Compliance History Prepared: July 22, 2008  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: July 22, 2003 to July 22, 2008

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Andrew Hunt Phone: 512-239-1203

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? No
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 02/18/2008 ADMINORDER 2007-0048-LII-E

Classification: Major

Citation: 2F TWC Chapter 37, SubChapter L 37.003  
30 TAC Chapter 30, SubChapter A 30.5(a)  
30 TAC Chapter 344, SubChapter A 344.4(a)

Description: Failure to hold an irrigator license prior to selling, designing, consulting, installing, maintaining, altering, repairing or servicing an irrigation system and represented to the public that he/she could perform a service for which a license is required.

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

N/A

- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

- F. Environmental audits.

N/A

- G. Type of environmental management systems (EMSs).

N/A

- H. Voluntary on-site compliance assessment dates.

N/A

- I. Participation in a voluntary pollution reduction program.

N/A

- J. Early compliance.

N/A

Sites Outside of Texas

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
JARROD L. MEYER DBA  
JARROD'S LAWN AND  
LANDSCAPING;  
RN104846183**

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**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

## **DEFAULT ORDER DOCKET NO. 2008-1155-LII-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality, ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition filed pursuant to TEX. WATER CODE chs. 7 and 37, TEX. OCC. CODE ch. 1903, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is Jarrod L. Meyer dba Jarrod's Lawn and Landscaping ("Mr. Meyer").

The Commission makes the following Findings of Fact and Conclusions of Law:

### **FINDINGS OF FACT**

1. Mr. Meyer owns and operates a landscape irrigation business located at 5902 Stoneleigh Dr., Tyler, Smith County, Texas (the "Business").
2. Mr. Meyer sells, designs, consults, installs, maintains, alters, repairs and/or services landscape irrigation systems. Therefore, Mr. Myer is subject to TCEQ jurisdiction pursuant to TEX. OCC. CODE ch. 1903, TEX. WATER CODE ch. 37, and the rules of the Commission.
3. During a record review investigation conducted on May 28, 2008, a TCEQ Central Office investigator documented that Mr. Meyer failed to prevent the advertisement or representation of oneself to the public as a holder of a license or registration without possession of a current license or registration. Specifically, Mr. Meyer was advertising "irrigation services" without holding a valid landscape irrigator license.
4. Mr. Meyer received notice of the violation on or about July 5, 2008.



5. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Jarrold L. Meyer dba Jarrold's Lawn and Landscaping" (the "EDPRP") in the TCEQ Chief Clerk's office on December 3, 2008.
6. By letter dated December 3, 2008, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Mr. Meyer with notice of the EDPRP. According to the return receipt "green card," Mr. Meyer received notice of the EDPRP on December 8, 2008, as evidenced by the signature on the card.
7. More than 20 days have elapsed since Mr. Meyer received notice of the EDPRP, provided by the Executive Director. Mr. Meyer failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.

#### CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, Mr. Meyer is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 37, TEX. OCC. CODE ch. 1903, and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3, Mr. Meyer failed to prevent the advertisement or representation of oneself to the public as a holder of a license or registration without possession of a current license or registration, in violation of 30 TEX. ADMIN. CODE §§ 30.5(b) and 344.4(a).
3. As evidenced by Finding of Fact Nos. 5 and 6, the Executive Director timely served Mr. Meyer with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(a).
4. As evidenced by Finding of Fact No. 7, Mr. Meyer failed to file a timely answer to the EDPRP, as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Mr. Meyer and assess the penalty recommended by the Executive Director.
5. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Mr. Meyer for violations of the Texas Water Code within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.

6. An administrative penalty in the amount of three hundred dollars (\$300.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
7. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

### ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Mr. Meyer is assessed an administrative penalty in the amount of three hundred dollars (\$300.00) for violations of the Texas Water Code, the Texas Occupations Code, and the rules of the TCEQ. The payment of this administrative penalty and Mr. Meyer's compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here. All checks submitted to pay the penalty imposed by this Order shall be made out to the "Texas Commission on Environmental Quality." The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order and shall be sent with the notation "Re: Jarrold L. Meyer dba Jarrold's Lawn and Landscaping; Docket No. 2008-1155-LII-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. Mr. Meyer shall undertake the following technical requirements:
  - a. Immediately upon the effective date of this Order, Mr. Meyer shall cease advertising irrigation system services or representing to the public as a holder of a license until licensed, in accordance with 30 TEX. ADMIN. CODE § 344.4(a); and
  - b. Within 15 days after the effective date of this Order, Mr. Meyer shall submit written certification and detailed supporting documentation, including photographs, receipts, and other records, to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Mr. Meyer shall submit the written certification and copies of documentation necessary to demonstrate compliance with Ordering Provision No. 2.a. to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Noel Luper, Water Section Manager  
Texas Commission on Environmental Quality  
Tyler Regional Office  
2916 Teague Dr.  
Tyler, Texas 75701-36734

3. All relief not expressly granted in this Order is denied.
4. The provisions of this Order shall apply to and be binding upon Mr. Meyer. Mr. Meyer is ordered to give notice of this Order to personnel who maintain day-to-day control over the Business operations referenced in this Order.
5. If Mr. Meyer fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Mr. Meyer's failure to comply is not a violation of this Order. Mr. Meyer shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Mr. Meyer shall notify the Executive Director within seven days after Mr. Meyer becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Mr. Meyer shall be made in writing to the Executive Director. Extensions are not effective until Mr. Meyer receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Mr. Meyer if the Executive Director determines that Mr. Meyer has not complied with one or more of the terms or conditions in this Order.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

Jarrod L. Meyer dba Jarrod's Lawn and Landscaping  
Docket No. 2008-1155-LII-E  
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## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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For the Commission

## AFFIDAVIT OF TOMMY TUCKER HENSON II

STATE OF TEXAS           §  
                                     §  
COUNTY OF TRAVIS       §

"My name is Tommy Tucker Henson II. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Jarrod L. Meyer dba Jarrod's Lawn and Landscaping" (the "EDPRP") was filed with the Office of the Chief Clerk on December 3, 2008.

The EDPRP was mailed to Mr. Meyer at his last known address on December 3, 2008, via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card," Mr. Meyer received notice of the EDPRP on December 8, 2008, as evidenced by the signature on the card.

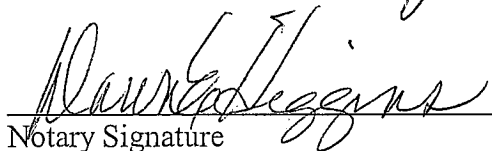
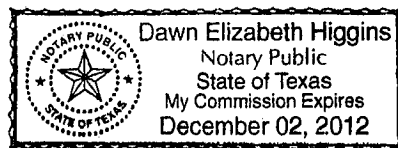
More than 20 days have elapsed since Mr. Meyer received notice of the EDPRP. Mr. Meyer failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference."



Tommy Tucker Henson II, Attorney  
Office of Legal Services, Litigation Division  
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Tommy Tucker Henson II, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 10<sup>th</sup> day of February A.D., 2009.

  
Notary Signature

NOTARY WITHOUT BOND